

**REGULAR MEETING  
OF THE  
PUTNAM COUNTY LEGISLATURE  
HELD IN THE  
HISTORIC COURTHOUSE  
CARMEL, NEW YORK 10512**

Wednesday

May 1, 2013

7:00 P.M.

The meeting was called to order at 7:00 P.M. by Deputy Chairman DiCarlo who led in the Pledge of Allegiance. Upon roll call, Legislators Scuccimarra, Oliverio, Nacerino, Albano, Gross, Castellano and Deputy Chairman DiCarlo were present. Also present was Legislative Counsel Van Ross. Legislator LoBue arrived at 7:26 P.M. and Chairman Othmer was absent.

Deputy Chairman DiCarlo stated that Chairman Othmer was not present this evening because he was attending the Cold War Veterans Conference in Washington, DC.

**PROCLAMATIONS**

Deputy Chairman DiCarlo requested that Legislator Oliverio present the first proclamation to Karl Rohde, Director of Putnam County Veterans Affairs. Legislator Oliverio also requested the members of the VFW Ladies Auxiliary #1374 that were present to come forward.

**SUPPORT FOR THE 2013 SALE OF BUDDY POPPIES**

WHEREAS, the annual sale of Buddy Poppies by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by government leaders since 1922; and

WHEREAS, V.F.W. Buddy Poppies are assembled by disabled veterans and the proceeds of this worthy fund raising campaign are used exclusively for the benefit of disabled and needy veterans, and the widows and orphans of deceased veterans; and

WHEREAS, the basic purpose of the annual sale of Buddy Poppies by Veterans of Foreign Wars is eloquently reflected in the desire to "Honor the Dead by Helping the Living"; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby urge the citizens of this community to recognize the merits of this cause by contributing generously to its support through the purchase of Buddy Poppies on the day set aside for the distribution of these symbols of appreciation for the sacrifices of our honored dead; and be it further

RESOLVED, that we urge all patriotic citizens to wear a Buddy Poppy as mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedom which we continue to enjoy as American citizens.

Deputy Chairman DiCarlo requested that Legislator Scuccimarra present the next proclamation to Mr. Charlie Melchnar and members of the Coast Guard Auxiliary #603, the United States Power Squadron, the Sheriff's Department and the Carmel Police Department.

## **SUPPORT FOR NATIONAL SAFE BOATING WEEK**

**WHEREAS, recreational boating is a fun and enjoyable sport while being an excellent source of relaxation; and**

**WHEREAS, however, boating to the unprepared can be a risky sport; and**

**WHEREAS, knowledge and skills are important in reducing human error and improving judgment when boating; and**

**WHEREAS, if a person is aware of the risks, they are likely to take precautionary measures to protect themselves, their family, and their friends; and**

**WHEREAS, the United States Coast Guard Auxiliary has served the County for nearly seventy (70) years by providing boating education courses, making marine dealer visitations, conducting boating safety checks, and tending multi-mission patrols; and**

**WHEREAS, using their own boats and equipment, the Coast Guard Auxiliary has been able to reduce boating accidents and fatalities; and**

**WHEREAS, through volunteer services, the Coast Guard Auxiliary has made the waters of the County safer by spreading messages of boating safety, not only during National Safe Boating Month, but throughout the entire year; now therefore be it**

**RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby support the goals of the North American Safe Boating Campaign and proclaim May 2013 as “National Safe Boating Month” in Putnam County and the start of the year-round effort to promote safe boating.**

**Deputy Chairman DiCarlo requested that Legislator Nacerino present the next proclamation to Director of the Office For Aging, Patricia Sheehy.**

## **SUPPORT FOR OLDER AMERICANS MONTH 2013 – CONNECTING THE COMMUNITY**

**WHEREAS, Putnam County includes 20,000 citizens ages 60 and older; and now the fastest growing Older American County in New York State; and**

**WHEREAS, Putnam County is committed to valuing all individuals and recognizing their ongoing life achievements; and**

**WHEREAS, the older adults in Putnam play an important role by continuing to contribute experience, knowledge, wisdom, and accomplishments; and**

**WHEREAS, our older adults are active community members involved in volunteering, mentorship, arts and culture, and civic engagement; and**

**WHEREAS, recognizing the successes of community elders encourages their ongoing participation and further accomplishments; and**

**WHEREAS, our community can provide opportunities to allow older citizens to continue to flourish by emphasizing the importance of elders and their leadership by publicly recognizing their continued achievements, implementing activities such as our local “Older Happiness Project,” presenting opportunities for older Americans to share their wisdom, experience, and skills, and recognizing older adults as a valuable asset in strengthening American communities; now therefore be it**

**RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim May 2013 as Older Americans Month and urge every citizen to take time this month to recognize older adults and the people who serve and support them as powerful and vital citizens who greatly contribute to our community.**

**Deputy Chairman DiCarlo requested that Legislator Castellano present the next proclamation to Marla Behler from the Child Advocacy Center and Adam Stiebeling, Commissioner of Emergency Services.**

## **RECOGNIZING THE 8<sup>TH</sup> ANNUAL CHILDREN'S EXPO & PUBLIC SAFETY DAY**

**WHEREAS, the 8<sup>th</sup> Annual Children's Expo and Public Safety Day is scheduled to be held on Saturday, May 4 from 11:00 a.m. to 3:00 p.m. to raise awareness about many aspects of child and public safety; and**

**WHEREAS, this event is co-organized by the Child Advocacy Center of Putnam County and the Bureau of Emergency Services; and**

**WHEREAS, the Child Advocacy Center of Putnam County opened in 1999 to handle child abuse allegations in a coordinated way in order to minimize additional trauma to the young victims. A multidisciplinary team of child protective service workers, prosecutors, law enforcement investigators, medical care providers, victim advocates and therapists work together to provide all necessary services in one place, with the organization also providing education for the community to reduce the incidence of serious childhood injuries and death; and**

**WHEREAS, the Bureau of Emergency Services keeps county residents safe from harm, by providing services to all fire, EMS and related emergency management initiatives, including training and equipping special teams for fire investigation, fire police response and hazardous materials mitigation, and a credible assessment team (CAT). Additionally the BES maintains a countywide communications system and continually seeks ways to improve response to both natural and manmade disasters; now therefore be it**

**RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby urge all County residents to attend the Children's Expo and Public Safety Day co-organized by these two organizations, and with approximately 25 local organizations participating, and join with them to learn about ways we can all protect our children from harm. The Expo will address a large spectrum of topics from fire prevention to proper fitting of bicycle helmets, along with enjoying the many games, live music and entertainment available. This will truly be a community event to be enjoyed.**

**Deputy Chairman DiCarlo requested that Legislator Gross present the next proclamation to Ms. Jennifer Maher and Mr. Bill Nulk from the Putnam County Chambers of Commerce and Ms. Laurie Ford, Chair of the Greater Mahopac-Carmel Chamber.**

## **SMALL BUSINESS RECOGNITION MONTH – MAY 2013**

**WHEREAS, small business constitutes the single most important segment of our free enterprise system and our small businesspeople are the backbone of our economy; and**

**WHEREAS, a successful small business is evidence of the independence, initiative and hard work of the owner/operator and this spirit has been, and will continue, to play an important role in maintaining and improving the vitality of our community; and**

**WHEREAS, small businesspeople take a leading role in civic affairs to improve the quality of life in our communities; and**

**WHEREAS, with the assistance of the local Chambers of Commerce, small businesspeople provide a variety of services, both business and social, to the community at large; and**

**WHEREAS, small businesses have and will continue to provide employment opportunities for our residents and contribute conveniences and services to our communities; now therefore be it**

**RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim May 2013 as Small Business Recognition Month and urge all citizens to join them in recognizing the contributions small businesses make to county-wide**

development and to support our local small businesses so that they can remain vital and flourish in Putnam County.

Deputy Chairman DiCarlo requested that Legislator Albano present the next proclamation to Deputy Commissioner of Social Services/Mental Health/Youth Bureau, Joseph DeMarzo, Youth Bureau Representatives – Janeen Cunningham, Diane Moore, Adriene Iasoni, Barbara Reitz and Putnam County Court Judge James Reitz.

**PUTNAM COUNTY YOUTH BUREAU HIGH SCHOOL SENIOR RECOGNITION DAY  
MAY 1, 2013**

WHEREAS, Putnam County Youth Bureau Senior Recognition is an opportunity to celebrate the contributions young people make to our community every day of the year through volunteer service and service-learning;

WHEREAS, Putnam County recognizes our youth as important community members, and values their unique skills, perspectives, and ideas, as they lead awareness, service, and advocacy activities;

WHEREAS, Youth Bureau volunteers donate their time to Department programs, such as Youth Court and Reality Check and a wide variety of service activities throughout Putnam County;

WHEREAS, realizing the need for community involvement, the citizens of Putnam County are proud to unite in assisting our youth to achieve their goals and help them to develop good citizenship;

WHEREAS, the accomplishments and achievements of these young citizens deserve the recognition and commendation of their community leaders; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim May 1, 2013, as Putnam County Youth Bureau High School Senior Recognition Day and thank these high school seniors for their long-standing dedication and commitment to the Putnam County community.

Item #3 - Approval of Minutes – State of the County – March 14, 2013  
Regular Meeting – April 3, 2013

The minutes were approved as submitted.

Item #4 – Correspondence

- a) County Auditor was duly noted.
- b) County Executive's Veto/Resolution #73 of 2013/Entered into Journal was duly noted.

Item #5 – Pre-filed resolutions:

**HEALTH, SOCIAL, EDUCATIONAL & ENVIRONMENTAL COMMITTEE  
(Chairman Oliverio, Legislators DiCarlo & Scuccimarra)**

Item #5a – Approval/Memorialization NYSAC Resolution/Urging the New York State Department of Health to Implement the Statewide Fiscal Agent Initiative Successfully to Match the Original Intent of the Law to Relieve Fiscal and Administrative Burdens on Local Governments while Maximizing Reimbursement and Ensuring Access to Services for Eligible Children was next. Deputy Chairman DiCarlo recognized Legislator Oliverio,

Chairman of the Health, Social, Educational & Environmental Committee. On behalf of the members of the Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:

**RESOLUTION #89**

**APPROVAL/MEMORIALIZATION NYSAC RESOLUTION/URGING THE NEW YORK STATE DEPARTMENT OF HEALTH TO IMPLEMENT THE STATEWIDE FISCAL AGENT INITIATIVE SUCCESSFULLY TO MATCH THE ORIGINAL INTENT OF THE LAW TO RELIEVE FISCAL AND ADMINISTRATIVE BURDENS ON LOCAL GOVERNMENTS WHILE MAXIMIZING REIMBURSEMENT AND ENSURING ACCESS TO SERVICES FOR ELIGIBLE CHILDREN**

WHEREAS, New York State's Early Intervention (EI) program provides services to children under three years of age with a confirmed disability or established developmental delay; and

WHEREAS, the New York State Association of Counties (NYSAC) commends Governor Andrew M. Cuomo and the New York State Legislature for recognizing the need for reforms in the EI program; and

WHEREAS, Putnam County is pleased that a statewide fiscal agent will assume responsibility for the fiscal management of the EI program including the billing and contracting of EI claims; and

WHEREAS, Putnam County is supportive of the implementation of the statewide fiscal agent, however is concerned with regard to the maximization of Medicaid claiming and third party insurance claiming; and

WHEREAS, as the statewide fiscal agent is implemented, counties await assurances that:

- 1) Counties will be held harmless for recoument as a result of false claims by providers.
- 2) Counties will be able to adequately budget for EI costs each year.
- 3) Savings to Counties as promised by the State will materialize as a result of the fiscal takeover.
- 4) Counties will be able to monitor activities of the fiscal agent that impact local costs.
- 5) Counties will have the ability to generate accurate reports.
- 6) Counties will have the level of programmatic oversight as included in the regulations.
- 7) The Bureau of Early Intervention will use the currently established NYSAC/NYSACHO workgroup for their input and expertise; and

WHEREAS, by implementing a fiscal agent counties were promised \$50 million in savings over 5 years, and shortened lag for reimbursement; now therefore be it

RESOLVED, that Putnam County supports New York State Associations of Counties (NYSAC) urging the New State Department of Health (DOH) to monitor the efficacy of the fiscal agent by defining the parameters that will measure the success of the fiscal agent with regard to Medicaid and third party insurance maximization; and be it further

RESOLVED, that the DOH should examine the activities of the fiscal agent annually to ensure that promised cost savings is achieved, and provide a report of the findings to counties; and be it further

RESOLVED, that any cost savings be directed back towards counties and in the first instance will be used to increase the State share and in the second instance to buy back the lag in reimbursement; and be it further

**RESOLVED**, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Leader, Speaker of the Assembly, the New York State Department of Health and the New York State Association of Counties.

**BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE & CHAIRMAN OTHMER WERE ABSENT. MOTION CARRIES.**

**Item #5b – Approval/Memorialization NYSAC Resolution/Urging the Governor and the State Legislature to Enact Meaningful Reforms to the Preschool Special Education Program to Increase Program Oversight and Accountability while Continuing to Provide Essential Services to Preschool Children with Special Needs was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:**

#### **RESOLUTION #90**

#### **APPROVAL/MEMORIALIZATION NYSAC RESOLUTION/URGING THE GOVERNOR AND THE STATE LEGISLATURE TO ENACT MEANINGFUL REFORMS TO THE PRESCHOOL SPECIAL EDUCATION PROGRAM TO INCREASE PROGRAM OVERSIGHT AND ACCOUNTABILITY WHILE CONTINUING TO PROVIDE ESSENTIAL SERVICES TO PRESCHOOL CHILDREN WITH SPECIAL NEEDS**

**WHEREAS**, Chapter 23 of the Laws of 1989 established the Preschool Program for Children with Handicapping Conditions in section 4410 of the education law; and

**WHEREAS**, this law included a provision to reduce the County fiscal liability to 25% by the 1993-94 school year; and

**WHEREAS**, succeeding statutes, beginning with the Deficit Reduction Act of 1990, have reneged on statutory assurances of increased State fiscal participation in the program; and

**WHEREAS**, this mandated program has grown exponentially, from nearly \$100 million in 1989 to over \$2 billion in 2012; and

**WHEREAS**, counties are presently mandated under State law to fund 40.5% of this \$2 billion program, despite having no input in how these funds are spent; and

**WHEREAS**, the State has capped its own expenses for transportation, leaving counties responsible for 100% of costs above this arbitrary state-imposed cap; and

**WHEREAS**, the New York State Office of the Comptroller (OSC) has released the findings of 14 audits performed on private providers revealing fraud, waste, and abuse amounting to \$13.2 million out of \$139.8 million in examined costs; and

**WHEREAS**, OSC also audited the New York State Education Department and concluded that a more effective system of oversight is urgently needed, including the regular review and independent audit of these entities on a routine basis; and

**WHEREAS**, New York's taxpayers, and our preschool children with special needs and their families deserve an accountable Preschool Special Education Program with adequate oversight to ensure services are delivered both efficiently and effectively; and

**WHEREAS**, Putnam County supports NYSAC's support of the proposal contained in the Executive Budget which provides counties with enforceable audit authority and incentivizes the conduct of fiscal audits by allowing counties to retain 75% of audit recoveries; and

**WHEREAS**, Putnam County also supports NYSAC supporting the development of a fiscal integrity tool designed to detect fraud and abuse, and the provision of \$1 million in grants to counties to build their capacity to oversee the program; now therefore be it

**RESOLVED, that Putnam County supports NYSAC's call upon Governor Andrew M. Cuomo and the New York State Legislature to:**

- 1) Allow counties greater input in child placement decisions in order to streamline the delivery of transportation services.**
- 2) Establish a regional transportation research grant so that counties can investigate the benefits of entering into regional transportation service contracts.**
- 3) To the extent that capacity permits, require an arm's length relationship between the evaluator and provider of services to eliminate potential conflicts of interest.**
- 4) Establish a fiscal incentive program to encourage counties and school districts to develop new ideas for the provision of services.**
- 5) Permit SEIT services to be paid on a fee for service basis so only those services actually delivered are paid for.**
- 6) Establish a fiscal audit unit in the New York State Education Department to perform baseline oversight duties and develop and audit plan and tool to be used by the New York State Education Department and counties.**
- 7) Require that justification be provided when a more costly out-of-area special education provider is chosen over closer and suitable providers; and be it further**

**RESOLVED, that Putnam County supports New York State Association of Counties (NYSAC) urging the New York State Legislature to strike all references to "children with handicapping conditions" and replace with "children with disabilities" when amending sections of law containing such language; and be it further**

**RESOLVED, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Leader, Speaker of the Assembly and the New York State Association of Counties.**

**BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE & CHAIRMAN OTHMER WERE ABSENT. MOTION CARRIES.**

**Item #5c – Approval/Memorialization NYSAC Resolution/Calling on the Department of Health and the Governor of the State of New York to Reinvest a Portion of Savings from Medicaid Managed Care Reforms and Medicaid Redesign Initiative to Support the Community Mental Health System was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:**

**RESOLUTION #91**

**APPROVAL/MEMORIALIZATION NYSAC RESOLUTION/CALLING ON THE DEPARTMENT OF HEALTH AND THE GOVERNOR OF THE STATE OF NEW YORK TO REINVEST A PORTION OF SAVINGS FROM MEDICAID MANAGED CARE REFORMS AND MEDICAID REDESIGN INITIATIVE TO SUPPORT THE COMMUNITY MENTAL HEALTH SYSTEM**

**WHEREAS, the New York State Medicaid Redesign Team (MRT) has recommended that all Medicaid beneficiaries be enrolled in Medicaid managed care and all services be included and paid for through managed care plans and/or similar risk-based arrangements by 2014; and**

**WHEREAS, Governor Andrew M. Cuomo's Executive Order #84 of 2012 calls for a statewide plan to implement the landmark "Olmstead Decision" of 1999 to comply with the Americans with Disabilities Act (ADA)'s requirement that people with disabilities be served in the most integrated setting appropriate to their needs; and**

**WHEREAS, Article XVII of the New York State Constitution establishes that the "aid, care and support of the needy are public concerns and shall be provided by the state and by such of its subdivisions"; and**

**WHEREAS, the implementation of full Medicaid Managed Care, Special Needs Plans, Behavioral Health Organizations, and other Medicaid Redesign initiatives are anticipated to produce significant savings in State and Federal Medicaid spending; and**

**WHEREAS, the State Department of Health has submitted a waiver proposal to the Center for Medicare and Medicaid Services (CMS) to reinvest \$10 billion of the Federal share of MRT savings back into New York State health and mental hygiene services, supports and housing; and**

**WHEREAS, State investments in Medicaid reform initiatives have been enacted with concomitant State Budget reductions in local assistance for mental health services, and the suspension of NY State Mental Hygiene Law 41.55 known as the "Community Mental Health Support and Workforce Reinvestment Program"; and**

**WHEREAS, local assistance reductions and the suspension of the Community Reinvestment Law significantly limit the flexible community supports for people with serious mental illness who have diverse strengths and needs; and**

**WHEREAS, localities and providers are actively working to ease transitions of people with serious mental illness from correctional and other institutional settings, and to enhance their health, safety, and stability in the community; and**

**WHEREAS, reductions in local assistance for community mental health are contrary to the need to build local service capacity and required local planning for "most integrated setting" treatment, support, and institutional transitions for people with serious mental illness; and**

**WHEREAS, the 57 counties and the City of New York through their statutorily incorporated local governmental units, are charged under Article 41 of Mental Hygiene Law with planning for such necessary services for all persons, in compliance with all federal, state, and local laws; now therefore be it**

**RESOLVED, that Putnam County supports New York State Association of Counties' (NYSAC) call on the Governor and the State Department of Health to reinvest a portion of savings from Medicaid Managed Care and other Medicaid Redesign initiatives to allow localities to develop the needed community mental health services and supports, and to provide opportunities for ADA compliant living, responsible transitions from correctional and hospital settings, and healthier communities; and be it further**

**RESOLVED, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Leader, Speaker of the Assembly, the State Department of Health, the State Office of Mental Health and the New York State Association of Counties.**

**BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE & CHAIRMAN OTHMER WERE ABSENT. MOTION CARRIES.**

**Item #5d – Approval/Memorialization NYSAC Resolution/Calling on the Legislature and the Governor of the State of New York to Enact Legislation Requiring Standardized Claiming Procedures for Behavioral Health Clinic Services Billed to Medicaid Managed Care Organizations was next. On behalf of the members of the Health, Social,**

Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra,  
Legislator Oliverio moved the following:

**RESOLUTION #92**

**APPROVAL/MEMORIALIZATION NYSAC RESOLUTION/CALLING ON THE LEGISLATURE  
AND THE GOVERNOR OF THE STATE OF NEW YORK TO ENACT LEGISLATION  
REQUIRING STANDARDIZED CLAIMING PROCEDURES FOR BEHAVIORAL HEALTH  
CLINIC SERVICES BILLED TO MEDICAID MANAGED CARE ORGANIZATIONS**

WHEREAS, the New York State Medicaid Redesign Team has recommended that all Medicaid beneficiaries be enrolled in managed care and that all services, including behavioral healthcare services be included in the managed care benefit and paid for through managed care plans and/or similar risk-based arrangements by 2014; and

WHEREAS, 37 counties operate mental health clinics and 21 counties operate substance abuse treatment clinics; and

WHEREAS, hundreds of privately operated, or "voluntary" providers also operate mental health and substance abuse treatment clinics; and

WHEREAS, mental health and substance abuse treatment clinics contract with many different Medicaid Managed Care Organizations within and across the counties of New York State; and

WHEREAS, Chapter 11 of the Laws of 2010 requiring Medicaid Managed Care organizations to pay mental health clinic APG rates equivalent to the government rate was implemented on September 1, 2012; and

WHEREAS, the implementation of Chapter 11 of 2010 has been impeded by the failure of Medicaid MCOs to use common revenue code methodologies for processing government equivalent rates, impeding electronic billing software from processing claims and delaying payments to counties; and

WHEREAS, such problems will become more onerous to counties as substance abuse clinic services are also included in the benefit package and paid for by Medicaid Managed Care, increasing local administrative expenses for billing and other county clinic staff; and

WHEREAS, standardized claiming methodologies will greatly reduce problems caused by discrepancies in billing requirements for Medicaid MCOs that are already required by law to pay standardized rates to mental health clinic providers; now therefore be it

RESOLVED, that Putnam County supports New York State Association of Counties' (NYSAC) call on the New York State Legislature and Governor Andrew M. Cuomo to enact legislation requiring standardized claims procedures for Mental Hygiene Law Article 31 and Article 32 behavioral health clinic services under Medicaid Managed Care; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Leader, Speaker of the Assembly, the State Office of Mental Health, the State Office of Alcoholism and Substance Abuse Services, the State Department of Health, and the New York State Association of Counties.

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE & CHAIRMAN OTHMER WERE ABSENT. MOTION CARRIES.

**Item #5e – Approval/Memorialization NYSAC Resolution/Urging Statutory and Administrative Relief Related to Processing of Article 6 State Aid, Supporting Increases to the Base Grants under the Article 6 Formula, and Opposing Certain Proposals that would Eliminate or Restrict Eligibility for Certain Services or Expenses under Article 6 and other Public Health Categorical Funding as Contained in the 2013-14 Executive Budget Applications was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:**

**RESOLUTION #93**

**APPROVAL/MEMORIALIZATION NYSAC RESOLUTION/URGING STATUTORY AND ADMINISTRATIVE RELIEF RELATED TO PROCESSING OF ARTICLE 6 STATE AID, SUPPORTING INCREASES TO THE BASE GRANTS UNDER THE ARTICLE 6 FORMULA, AND OPPOSING CERTAIN PROPOSALS THAT WOULD ELIMINATE OR RESTRICT ELIGIBILITY FOR CERTAIN SERVICES OR EXPENSES UNDER ARTICLE 6 AND OTHER PUBLIC HEALTH CATEGORICAL FUNDING AS CONTAINED IN THE 2013-14 EXECUTIVE BUDGET APPLICATIONS**

**WHEREAS, stable and timely funding to support core public health services under Article 6 is essential for the protection of our communities; and**

**WHEREAS, partnership between the State and local health department is critical in meeting planned local health goals; and**

**WHEREAS, Article 6 of the Public Health Law currently provides a base grant, and open-ended State reimbursement for 36% of local health department costs for core public health services; and**

**WHEREAS, examples of these services include investigation and control of communicable diseases, identification and abatement of lead hazards to prevent childhood lead poisoning, perinatal care, restaurant inspections, monitoring and protection of drinking water and injury prevention; and**

**WHEREAS, numerous studies show that primary prevention through core public health services is cost effective and reduces healthcare spending; and**

**WHEREAS, the review and processing of local health department (LHD) State Aid applications and Municipal Public Health Service Plans has burdened both state and LHDs with significant administrative time and effort that appears unnecessary; and**

**WHEREAS, counties have endured lengthy delays in the State's processing of their State aid reimbursement applications and in the review and comment upon their Municipal Public Health Service Plans; and**

**WHEREAS, staff reductions have crippled the capacity of local governments to endure the administrative burden and payment delays; and**

**WHEREAS, a workgroup of local health department representatives and the New York State Association of Counties (NYSAC) staff have provided input into improvements in the Article 6 State Aid application process and the Municipal Public Health Services Plan process; now therefore be it**

**RESOLVED, that Putnam County supports NYSAC's support of Executive budget proposals toward legislative, regulatory, and administrative relief related to Article 6 State Aid Applications for the state share of funding for Local Public Health Activities, including:**

- Streamlining the process that health departments must follow to report their public health activities and seek state aid reimbursement to bring welcome administrative relief to local governments and reduce the delays in reviews,**

revisions and payments that have plagued the existing process at both the state and local levels.

- A proposed increase in the State Aid base grant from \$550,000 or \$.55 per capita to \$650,000 or \$.65 per capita, with an appropriately prorated increase for partial service counties.
- Recognition of Chronic Disease prevention as a core public health service.
- Requiring that health education is a required component within each core public health category as crucial to improved health outcomes and lower long-term health care costs
- Proposed statutory changes that put the law in accordance with the State Health Department's recent guidance on Community Health Assessment (CHA), a core public health service that local health departments are mandated to provide, and that allow local health departments to seek State Aid for the development of a Community Health Improvement Plan (CHIP), a requirement in the new national accreditation process for health departments.
- The availability of performance-based incentives of increased state aid to foster quality improvement, predicted on collaboration between the State Health Department and local health departments on the development of performance criteria; and be it further

**RESOLVED**, that Putnam County supports NYSAC opposing other proposed changes to Article 6 State Aid to local health departments in their current form, as follows:

- Proposed Article 6 statutory changes to eliminate language in existing law that requires the NYS Commissioner of Health (SCOH) to consult local health officials prior to promulgating or changing rules and regulations, as local health departments are, in effect, local enforcement arms of state government, and thus, should be consulted during the development of regulations that will require action or enforcement by local health departments.
- The proposed prohibition on State Aid claims for Primary Prevent for children under age 21, unless specifically authorized by the State Commissioner of Health (SCOH), as potentially having a negative impact much broader than that intended to address the state's specific concerns, by restricting local health departments ability to maintain their important role as a safety net or provider of last resort during a transitional period in our state and nation's health care delivery and financing system, and limiting counties' and municipalities' flexibility to ascertain needs and meet those needs when there is no other option.
- The proposed prohibition against state aid claims to cover the indirect and fringe expenses of contractors which will serve as a disincentive for local governments that could achieve greater efficiencies and cost effectiveness by entering into contracts with non-governmental entities; and be it further

**RESOLVED**, that Putnam County supports NYSAC's support of the intent behind the proposal to move to outcome-based contracting as a means to improve health outcomes, but opposes the 10.3% reduction in categorical funding that has been essential to public health, prevention, health quality and workforce training efforts in our communities, with the cut in funding making it more difficult to achieve the very health outcomes that the state seeks in its NYS Prevention Agenda; and be it further

**RESOLVED**, that local health departments shall be consulted with prior to any redistribution of categorical funding to ensure there is no diminution of local public health authority to achieve planned local public health outcomes; and be it further

**RESOLVED**, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Leader, Speaker of the Assembly, the State Department of Health, and the New York State Association of Counties.

**BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE & CHAIRMAN OTHMER WERE ABSENT. MOTION CARRIES.**

**Item #5f – Approval/Memorialization NYSAC Resolution/Urging New York State to Provide Adequate Resources to Local Health Departments to Meet their Obligations under the Prevention Agenda 2013-2017 was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:**

**RESOLUTION #94**

**APPROVAL/MEMORIALIZATION NYSAC RESOLUTION/URGING NEW YORK STATE TO PROVIDE ADEQUATE RESOURCES TO LOCAL HEALTH DEPARTMENTS TO MEET THEIR OBLIGATIONS UNDER THE PREVENTION AGENDA 2013-2017**

**WHEREAS**, external reviewers have ranked New York State as 18<sup>th</sup> among the 50 States in health outcomes; and

**WHEREAS**, the New York State Public Health and Health Planning Council has developed, at the request of the New York State Department of Health, The Prevention Agenda 2013-17 as New York State's health improvement plan for 2013 through 2017, in partnership with more than 140 organizations across the state; and

**WHEREAS**, the plan is designed to demonstrate how communities across the state can work together to improve the health and quality of life for all New Yorkers and make New York the healthiest state; and

**WHEREAS**, this process included collaboration from organizations including local health departments, health care providers, health plans, community based organizations, advocacy groups, academia, employers, as well as state agencies, schools, and businesses; and

**WHEREAS**, the plan's overall purpose is to improve health status in five selected priority areas and to close important disparities (such as those related to race, ethnicity, socio-economic status, and disabilities) in those areas through the interventions that are designed; and

**WHEREAS**, more than 90% of our current health system investments go toward treating disease, but investing in disease prevention is the most effective, common-sense way to improve health; and

**WHEREAS**, the local health departments are fundamental partners with the state, hospitals, and other community stakeholders in meeting the goals and objectives of the Prevention Agenda; and

**WHEREAS**, the priorities of the Prevention Agenda include: preventing chronic diseases; promoting a healthy and safe environment; promoting healthy women, infants and children; promoting mental health and preventing substance abuse; and preventing HIV, STDs, vaccine preventable disease, and healthcare associated infections; and

**WHEREAS**, NYSDOH requires local health departments to conduct a Community Health Assessment and develop a Community Health Improvement Plan to address the priorities and goals established in the Prevention Agenda; and

**WHEREAS, the Prevention Agenda identifies numerous evidence-based public health interventions that local health departments and their community partners can use to reduce health disparities within the priority areas; and**

**WHEREAS, Article 6 State Aid and a variety of public health grant programs provide essential funding for local health departments to address these priorities and reduce health disparities within their communities; and**

**WHEREAS, governmental policies that address many aspects of our daily lives and the conditions in our communities can have a positive or negative influence on our health; therefore be it**

**RESOLVED, that Putnam County supports New York State Association of Counties' (NYSAC) call to urge the State Legislature and Governor to ensure that adequate Article 6 State Aid, public health grant support, and related support resources from NYSDOH are provided in the 2013-14 State Budget to enable local health departments to meet their obligations under the Prevention Agenda/State Health Improvement Plan; and be it further**

**RESOLVED, that Putnam County supports NYSAC urging the State Legislature and the Governor to develop a "Health in All Policies" approach to incorporate preventive health goals into the mission and vision of state governmental agencies beyond NYSDOH and OMH; and be it further**

**RESOLVED, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Leader, Speaker of the Assembly, and the New York State Association of Counties.**

**BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE & CHAIRMAN OTHMER WERE ABSENT. MOTION CARRIES.**

**Item #5g – Approval/Memorialization NYSAC Resolution/Urging the Governor and the New York State Legislature to Continue to Reform the Early Intervention Program so that it is Accountable to the Children it Serves and to the Taxpayers of the State who Fund It was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:**

**RESOLUTION #95**

**APPROVAL/MEMORIALIZATION NYSAC RESOLUTION/URGING THE GOVERNOR AND THE NEW YORK STATE LEGISLATURE TO CONTINUE TO REFORM THE EARLY INTERVENTION PROGRAM SO THAT IT IS ACCOUNTABLE TO THE CHILDREN IT SERVES AND TO THE TAXPAYERS OF THE STATE WHO FUND IT**

**WHEREAS, the Early Intervention program in New York State is in need of comprehensive reform in order to address the dramatic increase in county administrative Duties, as well as the number of recipients and costs per child, since the program's inception in 1993; and**

**WHEREAS, the State has shifted more fiscal responsibility while reducing State responsibility by requiring counties to fund 51% of the program; and**

**WHEREAS, counties are required to pay 100% of the cost of Early Intervention services in the first instance, which by statute cannot be claimed, at the earliest, until nine months into the current state fiscal year, and those claims frequently remain unreimbursed for more than one year; and**

**WHEREAS, the New York State Association of Counties (NYSAC) applauds Governor Andrew M. Cuomo and the New York State Legislature for creating a statewide fiscal agent to takeover administrative functions such as contracting with providers and provider reimbursement; and**

**WHEREAS, this is a substantial step towards providing counties with mandate relief in the Early Intervention Program, however Governor Cuomo put forth additional reforms in the SFY 2012-2013 budget that were not enacted by the Legislature; and**

**WHEREAS, the Executive Budget has advanced these important reforms again for SYI 2013-2014; and**

**WHEREAS, these reforms include:**

- 1) Requiring third party insurers to cover the cost of EI services where appropriate, preventing EI services from counting against a child's maximum annual or lifetime limits, and prohibiting insurers from denying claims solely because the claim is for an EI service.**
- 2) Requiring third party insurers to establish an adequate network of EI providers to meet capacity needs in the program.**
- 3) Requiring providers to enter into agreements with insurers.**
- 4) Requiring children covered by third party insurance to select an in-network approved EI provider absent extenuating circumstances; and**

**WHEREAS, the SFY 2013-2014 Executive Budget also proposed provisions that would help reduce the number of unnecessary evaluations; now therefore be it**

**RESOLVED, that Putnam County supports NYSAC's call upon the New York Legislature to adopt the Governor's Early Intervention proposals in the SFY 2013-2014 budget; and be it further**

**RESOLVED, that Putnam County supports NYSAC urging the State Legislature to join the Governor to ensure commercial insurance claims for all Early Intervention services are maximized by requiring insurers and HMO's to cover the cost of EI services, and requiring insurers to have an adequate network of EI providers; and be it further**

**RESOLVED, that Putnam County supports NYSAC urging the Legislature to strike all references to "children with handicapping conditions" and replace with "children with disabilities" when amending sections of law containing such language; and be it further**

**RESOLVED, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Leader, Speaker of the Assembly, and the New York State Association of Counties.**

**BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE & CHAIRMAN OTHMER WERE ABSENT. MOTION CARRIES.**

**Item #5h – Approval/Memorialization NYSAC Resolution/In Opposition to New York State Department of Health Bureau of Emergency Medical Services for Recent Significant Changes to the EMS Training Standards was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:**

**Legislator Oliverio stated that EMS individuals fear that these new requirements in training standards will cause a catastrophic shortage of instructors and emergency responders.**

**RESOLUTION #96**

**APPROVAL/MEMORIALIZATION NYSAC RESOLUTION/IN OPPOSITION TO NEW YORK STATE DEPARTMENT OF HEALTH BUREAU OF EMERGENCY MEDICAL SERVICES FOR RECENT SIGNIFICANT CHANGES TO THE EMS TRAINING STANDARDS**

**WHEREAS, New York State Department of Health has recently required a transition from the current Bureau of Emergency Medical Services curricula, to the National Educational Standards; and**

**WHEREAS, the qualifications and training of emergency medical professionals should unquestionably be of the highest standard; and**

**WHEREAS, aligning New York's standards to National EMS Educational Standards is a commendable course of action; and**

**WHEREAS, the New York State Association of Counties (NYSAC) supports New York State's efforts to transition to the National EMS Educational Standards and believes it a beneficial direction to move in, however the implementation, as currently proposed, threatens the viability of the volunteer EMS system in rural New York State Counties; and**

**WHEREAS, in the past, whenever the New York State Education Department changed its curriculum they gave teachers new guidelines to adjust the scope and sequence of their instruction to meet the new standards; and**

**WHEREAS, EMS Instructors need a curriculum guide and course schedule from the New York State Department of Health to ensure continuity across New York State and allow instructors to gain some knowledge of testing requirements by the state; and**

**WHEREAS, it is essential that supports are in place to assist emergency responders, EMS instructors and our community with this significant transition; and**

**WHEREAS, without a timed phase-in plan for the updated regulations and additional support for impacted communities, the rural counties of New York State will be faced with a catastrophic shortage of instructors and emergency responders; now therefore be it**

**RESOLVED, that Putnam County supports NYSAC's opposition to the current implementation schedule and lack of supporting curriculum set forth by the New York State Department of Health for transitioning from the current Bureau of Emergency Medical Services curricula to the National Educational Standards and urges state law makers to take whatever actions necessary to implement a timed phase-in plan for the updated regulations and provide additional support for impacted communities; and be it further**

**RESOLVED, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Leader, Speaker of the Assembly, and the New York State Association of Counties.**

**BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE & CHAIRMAN OTHMER WERE ABSENT. MOTION CARRIES.**

**Item #5i – Approval/Resolution Requesting Governor to Restore Funding for PARC Pre-school Program was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:**

**Legislator Oliverio stated that we also have another resolution, "Other Business Item #6a" requesting the Administration to provide funding for the PARC Pre-school Program. He asked if that item could be moved up on the agenda once Legislator LoBue arrives.**

**RESOLUTION #97**

**APPROVAL/RESOLUTION REQUESTING GOVERNOR TO RESTORE FUNDING FOR PARC PRE-SCHOOL PROGRAM**

**WHEREAS, as an adequate education of our children is a prime requirement of our State government; and**

**WHEREAS, meeting our responsibility to pre-school children with special needs is an integral part of our education function; and**

**WHEREAS, adequately meeting this responsibility while these children are young is the most cost effective way of assuring that when these children are grown they will be a positive productive members of society; and**

**WHEREAS, as a result of Governor Andrew Cuomo's recent State Budget the State's contribution to the pre-school program has been drastically cut; and**

**WHEREAS, locally this cut is resulting in the closing of PARC's pre-school program which was formed in 1954 and serves 53 children, ages 3 to 5 years, in Putnam County; and**

**WHEREAS, this PARC program serves children with severe communication delays or learning disabilities, pervasive developmental disabilities and spectrum disorders; and**

**WHEREAS, the rates for the school year 2012-2013 are 15% below the 2005-2006 rates, now therefore be it**

**RESOLVED, that the Putnam County Legislature requests Governor Andrew Cuomo to restore the funding that was cut from our pre-school program children with special needs.**

**BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE & CHAIRMAN OTHMER WERE ABSENT. MOTION CARRIES.**

**PERSONNEL COMMITTEE  
(Chairman DiCarlo, Legislators Gross & Nacerino)**

**Item #5j – Approval/Fund Transfer (13T061)/Planning Department/Reorganization of Planning Department/Planner I & Senior Account Clerk was next. Deputy Chairman DiCarlo as Chairman of the Personnel Committee and on behalf of the members of the Committee, Legislators Gross and Nacerino, moved the following:**

**RESOLUTION #98**

**APPROVAL/FUND TRANSFER/PLANNING DEPARTMENT/REORGANIZATION OF PLANNING DEPARTMENT/PLANNER I & SENIOR ACCOUNT CLERK**

**WHEREAS, the Commissioner of Planning has requested a fund transfer (13T061) to allow for the reorganization of the Planning Department changing the Fiscal Manager position to a Planner I and two temporary positions to a Senior Account Clerk; and**

**WHEREAS, the Personnel Committee and the Audit & Administration Committee and have reviewed and approve said fund transfer; now therefore be it**

**RESOLVED, that the following fund transfer be made:**

**Decrease:**

**10802000 51094  
10802000 51000**

**Temporary  
Personal Services**

**26,863  
9,161**

		36,024
<b>Increase:</b>		
10802000 51000	Personal Services	26,863
10802000 58006	Dental	823
10802000 58008	Health Insurance	8,180
10802000 58009	Vision	<u>158</u>
		<b>36,024</b>

And be it further

RESOLVED, that the salary for Planner I position is set at an annual salary of \$51,432 effective 6/01/13 and the salary of the Senior Account Clerk position is set at an annual salary of \$40,063 effective 5/01/13.

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE & CHAIRMAN OTHMER WERE ABSENT. MOTION CARRIES.**

**PHYSICAL SERVICES COMMITTEE  
(Chairman Albano, Legislators Othmer & Scuccimarra)**

Item #5k – Approval/Resolution in Support of Concluding the Putnam County Septic Repair Program was next. Deputy Chairman DiCarlo recognized Legislator Albano, Chairman of the Physical Services Committee. On behalf of the members of the Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

**RESOLUTION #99**

**APPROVAL/RESOLUTION IN SUPPORT OF CONCLUDING THE PUTNAM COUNTY SEPTIC REPAIR PROGRAM**

WHEREAS, the County of Putnam (“County”) and the City of New York (“City”), as well as various other parties, executed the 1997 Watershed Memorandum of Agreement (“MOA”) in order to, among other things, protect the water supply of the City for use by the City’s residents and non-residents; and

WHEREAS, pursuant to the MOA, the City provided THIRTY MILLION (\$30,000,000) DOLLARS of East of Hudson Water Quality Investment Program Funds (“WQIP Funds”) to the County to support a program of water quality improvement projects in Putnam County; and

WHEREAS, pursuant to the Agreement between the County and the City, dated August 27, 2003 (“2003 Agreement”), the County agreed to, among other things, design, implement and administer the Putnam County Septic Repair Program in and throughout portions of the County lying within the New York City Watershed; and

WHEREAS, in accordance with said Agreement, the Legislature adopted Resolution #327 of 2003 on December 29, 2003, wherein the Legislature approved the Septic Repair Maintenance Program Proposal, thereby committing THREE MILLION,

**THREE HUNDRED THOUSAND (\$3,300,000) DOLLARS of WQIP Funds to support the Putnam County Septic Repair Program; and**

**WHEREAS, by Resolution #77 of 2006, which was adopted on May 4, 2006, the Legislature approved the use of an additional TWO-HUNDRED THOUSAND (\$200,000) DOLLARS from the WQIP Funds to support repairs in the Phase 1d Lake areas of the Septic Repair Program; and**

**WHEREAS, by Resolution #58 of 2007, which was adopted on March 8, 2007, the Legislature approved the use of an additional THREE HUNDRED AND FIFTY THOUSAND (\$350,000) DOLLARS from the WQIP Funds to further support repairs in the Phase 1d Lake areas of the Septic Repair Program; and**

**WHEREAS, by Resolution #295 of 2007, which was adopted on December 24, 2007, the Legislature approved the use of an additional FIVE HUNDRED THOUSAND (\$500,000) DOLLARS from the WQIP Funds to further support repairs in the Phase 1d Lake areas of the Septic Repair Program; and**

**WHEREAS, by Resolution #262 of 2008, which was adopted on September 4, 2008, the Legislature approved the use of an additional TWO HUNDRED THOUSAND (\$200,000) DOLLARS from the WQIP Funds to further support repairs in the Phase 1d Lake areas of the Septic Repair Program; and**

**WHEREAS, by Resolution #271 of 2008, which was adopted on September 4, 2008, the Legislature approved the use of an additional ONE HUNDRED EIGHT THOUSAND NINE-HUNDRED AND TWENTY-TWO DOLLARS AND ONE CENT (\$108,922.01) from the WQIP Funds to further support repairs under the Septic Repair Program at the Camp Wilbur Herrlich property; and**

**WHEREAS, the Legislature adopted Resolution #100 of 2009 on April 9, 2009 which approved the use of an additional TWO MILLION (\$2,000,000) DOLLARS from the County's WQIP Funds be allocated to support the Septic Repair Program; and**

**WHEREAS, the County previously explored the possibility of implementing a new Septic Repair Program using an amended program plan which would include the requirement that the funds utilized by property owners would be repaid to the County; and**

**WHEREAS, in an effort to establish a new Septic Repair Program, the County entered into negotiations with the Environmental Facilities Corporation ("EFC") in which the EFC would agree to loan the County funds for the new program, and in exchange the County would be required to guarantee the re-payment of the total sum provided by EFC; and**

**WHEREAS, it was initially intended that such funds would be directly loaned to eligible homeowners for applicable septic repair costs, however, it was determined that the County would be prohibited from doing so under the terms of the Gift and Loan clause of the New York State Constitution; and**

**WHEREAS, in order to conform with the Constitution's requirements, a solution was proposed whereby the County would create a septic repair district that would include all of the property located in the County; and**

**WHEREAS, the County was desirous of creating a septic repair district, however many complex and problematic legal and financial impediments were discovered with respect to the district's formation, operation and maintenance, thereby rendering this proposed model impracticable; and**

**WHEREAS, it was further revealed that, under the New York State County Law, the County, in the Septic maintenance district model, would also have been required to maintain ownership of the septic systems located on each private parcel of property, and the County would have been required to retain such ownership for the entire working life of said systems, regardless of whether or not the loan had been fully repaid; and**

**WHEREAS, after participating in extensive and time-consuming negotiations with the EFC, the County engaged in a cost/benefit analysis, wherein the County evaluated whether or not the exposure to liability associated with the formation and maintenance of a County-wide septic repair district outweighed the potential benefit to those individual users who would have benefited from its existence; and**

**WHEREAS, the County determined that it would not be in its best interests to proceed with the creation of a septic repair district due to the impractical and complex nature of the process, as well as the legally impermissible aspects involved with the implementation of the proposed, new Septic Repair Program; and**

**WHEREAS, the County no longer funds septic repairs for homeowners under any type of Septic Repair Program, but continues to monitor and track the maintenance of previously repaired systems under its original program; and**

**WHEREAS, the County used a portion of the \$2,000,000 of WQIP Funds previously allocated to the Septic Repair Program to fund costs related to the monitoring and tracking of the required maintenance of previously repaired septic systems, specifically for the funding of a portion of the salary and fringe benefits for the employee who is responsible for performing administrative tasks related to the program, as well as the funding of ancillary program expenses such as the cost of postage, supplies, equipment and other related necessities; and**

**WHEREAS, the County has reviewed the requirements of the original Septic Repair Program, and has participated in discussions with the New York City Department of Environmental Protection ("DEP") relative to the County's responsibilities therein, and the County and the DEP have mutually determined that the County has fulfilled all of its obligations under the 2003 Agreement in relation to the Septic Repair Program, and in fact, exceeded the funding commitment required therein; and**

**WHEREAS, in light of the foregoing, the County no longer wishes to continue the Septic Repair Program, or to commit any further resources to this program, except for the purpose of fulfilling the required administrative tasks associated with the monitoring of the previously repaired septic systems; and**

**WHEREAS, the County has determined that the costs associated with the performance of said administrative responsibilities are necessary costs, and thereby agrees to continue to fund 20% of the salary and fringe benefits of the employee responsible for performing said tasks; and**

**WHEREAS, the County has also determined that the continued funding of the ancillary program expenses, including but not limited to, the costs of postage, supplies and equipment, are necessary and required; and**

**WHEREAS, the County seeks to reduce the County's monetary resources currently committed to the Septic Repair Program by defunding the Septic Repair Program; and**

**WHEREAS, for the purpose of defunding the Septic Repair Program, the County wishes to: (1) allow THREE HUNDRED SEVEN THOUSAND ONE HUNDRED AND NINETY (\$307,190) DOLLARS of WQIP Funds to remain in the Septic Repair Program Fund to be used for costs related to the performance of certain administrative tasks in order to monitor and track the septic systems through the year 2023 (2) remove the earmark from the ONE MILLION TWO HUNDRED SEVENTY-NINE THOUSAND THREE HUNDRED NINETY-EIGHT DOLLARS AND THIRTY-FIVE CENTS (\$1,279,398.35) of WQIP Funds, representing the unencumbered funds in the Septic Repair Program Fund, and make said funds available in the County's Water Quality Projects Fund for other water quality improvement projects (3) phase out the duties and responsibilities performed by the "Septic Repair Program Project Coordinator" in order to remove the position from the budget, that is funded by and through the County's Department of Highways and Facilities, and (4) transfer any funds previously dedicated to the Septic Repair Program Project Coordinator position to the County's General Contingency Fund upon close of business August 30, 2013; now therefore be it**

**RESOLVED, that the Septic Repair Program shall henceforth be concluded; and be it further**

**RESOLVED, that the Commissioner of Finance is authorized to defund the Septic Repair Program, with the exception of THREE HUNDRED SEVEN THOUSAND ONE HUNDRED AND NINETY (\$307, 190) DOLLARS of WQIP Funds that will be necessary for the funding of 20% of the salary and fringe benefits of the employee who will be responsible for the performance of certain administrative tasks, as well as for the funding of ancillary program expenses through the year 2023; and be it further**

**RESOLVED, that the Putnam County Legislature authorizes removing the earmark from the ONE MILLION TWO HUNDRED SEVENTY-NINE THOUSAND THREE HUNDRED NINETY-EIGHT DOLLARS AND THIRTY-FIVE CENTS (\$1,279,398.35) of WQIP Funds, of the remaining, unencumbered funds from the Septic Repair Program, and make said funds available in the County's Water Quality Projects Fund for other water quality improvement projects; and be it further**

**RESOLVED, that the duties and responsibilities performed by the "Septic Repair Program Project Coordinator" be phased out for the purpose of removing the position from the Department of Highways and Facilities' budget, since the Septic Repair Program shall no longer be in operation; and be it further**

**RESOLVED, that any funds previously dedicated to the "Septic Repair Program Project Coordinator" position be transferred into the County's General Contingency Fund upon close of business August 30, 2013; and be it further**

**RESOLVED**, that the Commissioner of Finance shall submit the necessary budgetary amendment to the Legislature to effectuate the transfer of funds in accordance with the provisions herein.

**BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE & CHAIRMAN OTHMER WERE ABSENT. MOTION CARRIES.**

**Item #5L – Approval/Resolution In Support of Putnam County’s Use of WQIP Funds to Purchase Equipment** was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

**Legislator Gross** thanked the Legislature for their support on this item. The Vac-all trucks for the Towns of Patterson and Southeast will help them meet their MS4 responsibilities.

**Legislator Nacerino** concurred.

#### **RESOLUTION #100**

#### **APPROVAL/ RESOLUTION IN SUPPORT OF PUTNAM COUNTY’S USE OF WQIP FUNDS TO PURCHASE EQUIPMENT**

**WHEREAS**, the County of Putnam (“County”) and the City of New York (“City”), as well as other various parties, executed the 1997 Watershed Memorandum of Agreement (“MOA”) to, among other things, protect the water supply of the City for use by the City’s residents and non-residents; and

**WHEREAS**, pursuant to the MOA, the City provided thirty million dollars (\$30,000,000) of East of Hudson Water Quality Investment Program Funds (“WQIP Funds”) to the County to support a program of water quality investments in Putnam County; and

**WHEREAS**, the County and various municipalities located within Putnam County, including the Town of Patterson and the Town of Southeast, are subject to the terms and requirements of the Municipal Separate Storm Sewer Systems (“MS4”) SPDES General Permit No. GP-0-10-002 (the “MS4 Permit”) issued by the New York State Department of Environmental Conservation, which, among other things, requires MS4s to develop, implement, and enforce a stormwater management program (“SWMP”) designed to reduce, to the maximum extent practicable, the discharge of pollutants from small MS4s to protect water quality and to satisfy the appropriate water quality requirements of the Environmental Conservation Law and the Clean Water Act; and

**WHEREAS**, the County wishes to acquire new equipment, specifically a Gradall Truck, a Vac-All Truck with Jetter and a Trailer Mounted Jetter for its Department of Highways and Facilities, a Vac-All Truck for the Town of Patterson and a Vac-All Truck for the Town of Southeast (collectively the “Equipment”), in order to meet the requirements of the MS4 Permit and to further the purpose of the aforementioned program of water quality investments; and

**WHEREAS**, the County Executive has approved the expenditure of the use of earnings of the WQIP Funds to pay for said Equipment; and

**WHEREAS**, the Putnam County Legislature has now had the opportunity to review this proposed purchase and has found that it is consistent with the requirements and directives contained in the MOA with respect to the appropriate expenditure of the use of earnings of the WQIP Funds; now therefore be it

**RESOLVED**, that the Putnam County Legislature hereby approves the use of earnings on the WQIP Funds to purchase said Equipment in order to comply with the requirements of the MS4 Permit and to further protect water quality; and be it further

**RESOLVED**, that this expenditure shall not exceed One Million Three Hundred Thousand Dollars (\$1,300,000), and shall be in substantial conformance with the list of the Equipment attached hereto as Schedule "A"; and be it further

**RESOLVED**, that the Putnam County Legislature shall transmit the "Right of Objection" letter required under the terms of the MOA; and be it further

**RESOLVED**, that upon conclusion of the objection process, the Commissioner of Finance is authorized to transfer and disburse the approved funds from the earnings on the WQIP Funds accordingly.

**BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE & CHAIRMAN OTHMER WERE ABSENT. MOTION CARRIES.**

Item #5m – Approval/SEQRA Determination was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

**RESOLUTION #101**

**APPROVAL/SEQRA DETERMINATION**

**WHEREAS**, the Putnam County Legislature is considering a \$2,000,000 Bond issue for the Reconstruction and/or Resurfacing of Various County Highways, and

**WHEREAS**, this action has been determined to be a Type II Action pursuant to the regulations of the NYS Department of Environmental Conservation, now therefore be it

**RESOLVED**, that the Putnam County Legislature accepts the determination that this project is a Type II Action and pursuant to 6 NYCRR Part 617, State Environmental quality Review §617.6(1)(i) once an action has been determined to be a Type II Action, there is no further review necessary under SEQRA.

**BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE & CHAIRMAN OTHMER WERE ABSENT. MOTION CARRIES.**

Legislator LoBue arrived for the vote on the Bond Resolution.

Item #5n – Approval/Bond Resolution/Reconstruction and/or Resurfacing of Various County Highways was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

**RESOLUTION #102**

## **EXTRACT OF MINUTES**

**Meeting of the County Legislature of**

**the County of Putnam, New York**

**May 1, 2013**

\* \* \*

A regular meeting of the County Legislature of the County of Putnam, New York, was held at the Historic County Courthouse, Gleneida Avenue, Carmel, New York, on May 1, 2013, at 7 o'clock P.M. (Prevailing Time).

The following Legislators were present: Albano, Castellano, Gross, LoBue, Nacerino, Oliverio, Scuccimarra and Deputy Chairman DiCarlo.

There were absent: Chairman Othmer

Also present: Diane Schonfeld, Clerk of the Legislature  
Clement Van Ross, Legislative Counsel

\* \* \*

Legislator Albano offered the following resolution and moved its adoption:

**BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK, ADOPTED MAY 1, 2013, AUTHORIZING THE RECONSTRUCTION AND/OR RESURFACING OF VARIOUS COUNTY HIGHWAYS; STATING THE ESTIMATED TOTAL COST THEREOF IS \$2,000,000; APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,000,000 SERIAL BONDS OF SAID COUNTY TO FINANCE SAID APPROPRIATION.**

**THE COUNTY LEGISLATURE OF THE COUNTY OF PUTNAM, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Legislature) AS FOLLOWS:**

**Section 1. The County of Putnam, New York (herein called "County"), is hereby authorized to reconstruct and/or resurface various County highways. The estimated total cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$2,000,000 and said amount is hereby appropriated therefor. The plan of financing, includes the issuance of \$2,000,000 serial bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.**

**Section 2. Bonds of the County in the principal amount of \$2,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.**

**Section 3.** The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 of the Law, is fifteen (15) years.

**Section 4.** The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

**Section 5.** Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

**Section 6.** Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and Sections 50.00, 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes, or the renewals thereof, and relative to providing for substantially level or declining annual debt service, and prescribing the terms, form and contents, and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, as well as to executing agreements for credit enhancements, are hereby delegated to the Commissioner of Finance, the chief fiscal officer of the County.

**Section 7.** The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

**Section 8.** This bond resolution shall take effect upon the approval of the Putnam County Executive, and the Clerk of the County Legislature is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "*The Putnam*

**County Courier,” “The Putnam Press,” and “The Putnam County News & Recorder,” three newspapers, each having a general circulation in the County and hereby designated as the official newspapers of the County for such publications.**

\* \* \*

**The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:**

**AYES: SEVEN – Legislators Albano, Castellano, Gross, Nacerino, Oliverio, Scuccimarra and Deputy Chairman DiCarlo.**

**NOES: ONE – Legislator LoBue.**

**ABSENT: ONE – Chairman Othmer.**

**The resolution was declared adopted.**

\*\*\*\*\*

#### **CERTIFICATE**

**I, Diane Schonfeld, Clerk to the County Legislature of the County of Putnam, State of New York, HEREBY CERTIFY that the Resolution No 102 - 2013 contained in the foregoing annexed extract from the minutes of a meeting of the County Legislature of said County of Putnam duly called and held on May 1, 2013, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof and of the whole of said original Resolution, which was duly adopted by the County Legislature of the County of Putnam on May 1, 2013 and approved by the County Executive on \_\_\_\_\_, 2013.**

**IN WITNESS WHEREOF, I have hereunto set my hand and affixed the  
corporate seal of said County of Putnam this  
\_\_\_\_\_ day of May, 2013.**

**(SEAL)**

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**Diane Schonfeld  
Clerk to the County Legislature**

**NOTICE**

The resolution, a summary of which is published herewith, has been adopted on May 1, 2013, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the COUNTY OF PUTNAM, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

Diane Schonfeld  
Clerk to the County Legislature

**BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK,  
ADOPTED MAY 1, 2013, AUTHORIZING THE RECONSTRUCTION  
AND/OR RESURFACING OF VARIOUS COUNTY HIGHWAYS;  
STATING THE ESTIMATED TOTAL COST THEREOF IS \$2,000,000;  
APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING  
THE ISSUANCE OF \$2,000,000 SERIAL BONDS OF SAID COUNTY  
TO FINANCE SAID APPROPRIATION.**

**Object or purpose:** to reconstruct and/or resurface various County highways

**Period of probable  
usefulness:** fifteen (15) years

**Amount of obligations  
to be issued:** \$2,000,000

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Clerk to the Legislature, at the County Office Building, 40 Gleneida Avenue, Carmel, New York.

**Dated:** May 1, 2013  
Carmel, New York

**HEALTH, SOCIAL, EDUCATIONAL & ENVIRONMENTAL COMMITTEE  
(Chairman Oliverio, Legislators DiCarlo & Scuccimarra)**

**Legislator Oliverio made a motion to waive the rules and accept the other business items; seconded by Legislator Albano. All in favor.**

**Other Business Item #6a – Approval/Legislature Requesting Administration Provide Funding for PARC Pre-School Program was next. Deputy Chairman DiCarlo recognized Legislator Oliverio, Chairman of the Health, Social, Educational & Environmental Committee. On behalf of the members of the Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:**

**Legislator Oliverio stated that New York State and the Federal Government have decided to limit the amount of funding to many of our most important programs that assist our most vulnerable and youngest individuals. He stated that he is asking this Legislature to request the County Executive to provide \$150,000 dollars in funds to empower the PARC Pre-school program for the beginning of their school program from July through December of 2013. He stated that during our budget process, we need to request that Westchester and Dutchess Counties, who also benefit from the Pre-school Program, join with us in providing funding for the second half of the Pre-school Program year from January until June. He stated that without this Pre-school Program these children will be facing up to a 2½ hour bus ride to the nearest pre-school. He stated that our Commissioner of Health, Allen Beals, indicated that the transportation would be an increased cost to the County. Legislator Oliverio stated that this proposal literally offsets that cost. It allows us time to go to our State and Federal representatives and intercede for our young children.**

**Deputy Chairman DiCarlo stated that we have received a number of e-mails today with respect to this item and individuals referenced other programs for people with disabilities. He stated that when the issue of funding being cut came before us two months ago, while presenting a proclamation he stated that it pertained to all people with disabilities and not just the PARC Pre-school program. He stated that there are lengthy discussions taking place in Albany, and hopefully in the next week or two the \$90 million dollars would be restored. He stated that for the record, this Legislative body at any point in time can call for a Special Meeting. During the Special Health Committee meeting it was clearly asked that should this program not be funded, where would the children go? What would the cost factor be? He stated that Commissioner of Health, Dr. Beals stated that he just started to run preliminary numbers and if we did not have the program the County would be spending the same amount of money, if not more. He believed this Legislative body would like to see the 6% restored by the State for all people with disabilities.**

**Legislator Oliverio stated that part of our resolution states that if PARC receives the funding from the State for the Pre-school Program, the County will be reimbursed.**

**Legislator LoBue stated that this is a safety net for one year. It will give the pre-school the opportunity to secure funding from the State. She stated that she supports this wholeheartedly. The school was slated to close on May 1<sup>st</sup> and that is why we had the Special Health meeting on April 26, 2013. This issue, in her opinion, is an absolute priority. It is about reinstating money for a program that is vital to the community. As previously stated, in the long term it is saving the County money and is money well spent.**

**Legislator Gross stated that having been a teacher, he believes that the younger you assist these children academically, there is more chance for success down the line. It**

can eliminate problems as they enter their middle school and high school years. He stated that his belief is that our children are our most important asset in this County.

Legislator Albano concurred. He believed if the right thing is done now, it will benefit our society into the future. He did not believe it would be productive to have the child riding a bus for a long period of time.

Legislator Nacerino agreed wholeheartedly with her colleagues. She stated that aside from the fiscal impact which was discussed, she believed that we needed to look at our own government and protect the safety and welfare of our constituents. Providing these school age children with continuity is parallel to their success. She believed that to disrupt that would be detrimental to their ongoing success.

Legislator Scuccimarra agreed and stated that she would be voting in favor of this. However, she cautioned her colleagues and worried that there were other organizations out there that would be in the same circumstances as PARC. How do we say "no" to another organization when the County no longer has funds? She stated that this isn't a Band-Aid. We need to get to the root of the problem and hope the State comes through with funding.

Legislator Castellano stated that he is the proud Uncle of a child with certain needs. He explained that every day he rides on the bus for an hour. Legislator Castellano stated that he is aware of the strain this puts on his parents. He stated that we do need to push the State to fund this program. He stated that he understands this is a future commitment and stated that the Audit Committee would be more involved. He would like to press the State to fund this program because he did not want to see the school close.

#### **RESOLUTION #103**

#### **APPROVAL/LEGISLATURE REQUESTING ADMINISTRATION PROVIDE FUNDING FOR PARC PRE-SCHOOL PROGRAM**

**WHEREAS, Putnam Associated Resource Center (PARC) has recently stated that it would be closing its 59 year Pre-School Program at the end of June 2013 due to its facing a potential \$300,000 deficit for the upcoming year; and**

**WHEREAS, in the event that PARC does close its Pre-School Program its present students would have to find another Pre-School to attend with the nearest one being in White Plains; and**

**WHEREAS, in the early part of May a decision must be made on this situation to avoid the need to seek alternate placement; and**

**WHEREAS, due to the State's inadequate funding of this program the ultimate cost for this program would lie with the County, leaving the County now being responsible for increased transportation and tuition costs in order for these students to attend this more distant school; and**

**WHEREAS, portions of Dutchess County and Westchester County make use of Putnam County's Pre-School Program; and**

**WHEREAS, the County's Commissioner of Health estimated a projected increase in cost to the County of approximately \$300,000 when he told the Health Committee that the impact on the County would be quite adverse and that the County will need to provide more services to make up those lost, costing probably just as much money as is being proposed to fund the present Pre-School; and**

**WHEREAS, the Putnam County Legislature believes that a one year stop gap solution is presently needed with the hopes that a permanent solution can be reached; and**

**WHEREAS, the Putnam County Legislature believes that \$150,000 should be made available from the 2013 County Budget and \$150,000 be made available from the 2014 County Budget to keep the current Pre-School Program in operation; and**

**WHEREAS, PARC has indicated it would reimburse the County if funding is later received from the State; now therefore be it**

**RESOLVED, that the Putnam County Legislature requests the County Administration to prepare a budgetary amendment for the 2013 budget allocating an additional \$150,000 to the Pre-School Program from funds received as a result of excess sales tax or from County surplus; and be it further**

**RESOLVED, that the Legislature requests the County Executive to include an additional \$150,000 in the County's Tentative 2014 Budget for the Pre-School Program; and be it further**

**RESOLVED, that portions of the counties of Dutchess and Westchester that make use of the current Pre-School Program be requested to participate in a solution to the problem.**

**BY ROLL CALL VOTE: ALL AYES. CHAIRMAN OTHMER WAS ABSENT. MOTION CARRIES.**

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE  
(Chairwoman Nacerino, Legislators Castellano & DiCarlo)**

**Item #5o – Approval/Worker's Compensation Settlement was next. Deputy Chairman DiCarlo recognized Legislator Nacerino, Chairwoman of the Rules, Enactments & Intergovernmental Relations Committee. On behalf of the members of the Committee, Legislators Castellano and DiCarlo, Legislator Nacerino moved the following:**

**RESOLUTION #104**

**APPROVAL/WORKER'S COMPENSATION SETTLEMENT**

**WHEREAS, on or about June 23, 2011, the claimant, Patrick O'Sullivan, (hereinafter "claimant") while employed by Putnam County in the Department of Highways, Facilities and Parks began experiencing pain while mowing the lawn at the Donald B. Smith Campus; and**

**WHEREAS, the claimant received medical treatment as a result of said injury, including surgery on his left hand and right hand; and**

**WHEREAS, on January 31, 2013, the Worker's Compensation Board indicated that "since there is a difference in the medical opinions regarding the schedule loss of use, the parties are encouraged to speak with each other to come to an agreement"; and**

**WHEREAS, claimant is no longer seeking treatment and is desirous of entering into an agreement with the County, subject to the Legislature's approval, in which the County would agree to pay the sum of Forty Thousand Six Hundred Twenty One dollars and Twelve cents (\$40,621.12) representing a 12.5% schedule loss of use of the right hand and 12.5% schedule loss of use of the left hand; and**

**WHEREAS, the Law Department and the County's third party administrator, The Triad Group, both recommend the settlement, as there is a difference of medical opinion and if a hearing is conducted, it would likely result in the claimant's favor; and**

WHEREAS, Triad Group, through its claims representative, has in fact settled the matter with the claimant for the sum of Forty Thousand Six Hundred Twenty One dollars and Twelve cents (\$40,621.12) and has obtained settlement documents, which, upon approval of the Putnam County Legislature and the Worker's Compensation Board, will discontinue this matter with the Court; and

WHEREAS, the settlement is in the public interest and will avoid additional exposure and expense; now therefore be it

RESOLVED, that the settlement of this matter for the sum of Forty Thousand Six Hundred Twenty One dollars and Twelve cents (\$40,621.12) is approved; and be it further

RESOLVED, that from said settlement the County will be reimbursed Nine Thousand Four Hundred Eighty Three dollars and Twenty cents (\$9,483.20) for time paid to claimant, and the claimant will receive the remainder less his attorney fees or Thirty One Thousand One Hundred Thirty Seven dollars and Ninety Two cents (\$31,137.92) in full settlement of this matter; and be it further

RESOLVED, that Commissioner Carlin is hereby directed to pay such settlement, if approved by the Worker's Compensation Board, from the Six Fund.

**BY POLL VOTE: ALL AYES. CHAIRMAN OTHMER WAS ABSENT. MOTION CARRIES.**

Item #5p – Approval/Appointments/Plumbing & Mechanical Trades Board was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Castellano and DiCarlo, Legislator Nacerino moved the following:

**RESOLUTION #105**

**APPROVAL/APPOINTMENTS/PLUMBING & MECHANICAL TRADES BOARD**

RESOLVED, that the following be appointed to the Putnam County Plumbing & Mechanical Trades Board:

(3) Thomas Capalbo, Town of Patterson, as Resident, to fill a term to expire December 31, 2013.

(2) Kevin Raab, Town of Kent, as Journeyman Plumber, for a three (3) year term, said term to expire December 31, 2015.

**BY POLL VOTE: ALL AYES. CHAIRMAN OTHMER WAS ABSENT. MOTION CARRIES.**

Item #5q – Approval/Local Law/Amend Section 173-8/Code of Putnam County Entitled “Item Pricing” was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Castellano and DiCarlo, Legislator Nacerino moved the following:

Legislator Nacerino explained that the Rules Committee entertained lengthy discussions on the Item Pricing Law. The Committee felt that the revised Waiver Fees are fair and have addressed the many concerns that were raised in Committee.

Legislator LoBue stated that she is in favor of a repeal of this law and will be introducing one next month. She stated that the amendment to the Item Pricing Law was approved in November of 2012. It was introduced in the County Executive's 2013 Budget as a revenue stream. She explained some of the details of the law with respect to scanners

and square footage and stated that she voted against it in November because she felt that it was anti-business legislation. She stated that even though the waiver fees have been dramatically reduce, she would still be holding on strong to her principles and would be voting “no”. She stated that we are not inundated with consumer complaints. She did not believe it was about consumer protection. In her opinion it was about revenue.

Legislator Oliverio stated that he understood Legislator LoBue’s opinion, however, he respectfully disagreed. He stated that there was great compromise and complimented Legislator Nacerino, stating that she ran two terrific Rules Meetings on the topic. He believed it was a compliment to the working efforts of this County and our businesses. He believed the law was fair and appropriate. Legislator Oliverio also complimented Director of Consumer Affairs, Jean Noel and County Executive Odell.

Legislator Gross stated that he also voted against this back in November. However, he complimented the Committee as they worked to reduce the fees, which was a big concern of his. He stated that he would support these changes. He stated that if the law was repealed, Putnam County could never enforce anything like this again. The State would then enforce the law and collect the revenue.

Legislator Castellano stated that as a member of the Rules Committee, a lot of time was spent reviewing this law. He wanted to point out that it is an optional program. It levels the playing field. There were many compromises to the law and it is standard procedure in many counties.

Legislator LoBue stated that this was a law that has been dusted off. During the Bondi Administration it wasn’t enforced because they felt it would be a hardship and another tax. She stated that we are not inundated with consumer complaints and now all stores are up to speed with standards, such as having scanners, as opposed to twenty years ago. Her understanding, with the respect to the food stores, is they make sure everything is priced correctly. If it isn’t and it scans incorrectly at the register the person will be given the item free of charge.

Legislator Albano stated that he would be voting in favor of this amended law. He commended the Rules Committee for a job well done. He stated that this is nothing unique with respect to what other counties are doing. The fees are also in the ball park with these counties.

Deputy Chairman DiCarlo stated that this was part of the Legislative process and procedures. When there is controversy, sometimes there is information put out there that is true and sometimes not true. We received a lot of backlash about collecting from small businesses, which is the heartbeat of our community. This does not affect them at all. He stated that the Legislature was lobbied by lobbyists who get paid big money to do their jobs. It was even stated by some of our State officials that we were looking to revise the law. He stated that never was it said to repeal the law. The Legislature did our fiduciary responsibility and at the end of our meeting those same lobbyists thanked the Legislature for working with them.

**RESOLUTION #106**

**APPROVAL/LOCAL LAW/AMEND SECTION 173-8/CODE OF PUTNAM COUNTY ENTITLED  
“ITEM PRICING”**

**A Local Law to Amend Section 173-8 of the Code of Putnam County entitled “Waiver of Item Pricing Requirements Based Upon Pricing Accuracy; Consumer Protections.”**

**BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF PUTNAM, as follows:**

**Section 1. Section 173-8 of the Code of Putnam County entitled “Waiver of Item Pricing Requirements Based Upon Pricing Accuracy; Consumer Protections,” is hereby amended to read as follows:**

**Section 173-8. Waiver of Item Pricing Requirements Based Upon Pricing Accuracy; Consumer Protections.**

- A. Every retail store subject to this chapter may make application in writing for a waiver of the item pricing requirements as contained herein. The application shall be submitted to the Director of Consumer Affairs for the County of Putnam. A separate application shall be required for each retail store.**
- B. All written requests for an item pricing waiver shall include a biennial, non-refundable waiver application fee based upon the store’s square footage of retail area. Retail area, or retail square footage, means the area designated in a retail store to display and sell products, provide customer service and checkout. The retail area does not include storage area, back rooms, stock area, maintenance areas or other locations which are not intended to be accessible to consumers. Said waiver application fee shall be set by Resolution of the Legislature. A schedule of waiver application fees shall be furnished by the Department of Consumer Affairs upon request, or at the time of application for such waiver.**
- C. Waivers shall be valid for a period of two calendar years. Retail stores must reapply biennially for renewal. The waiver fee and inspection shall be required with each biennial renewal application, as is required for an original application. Late application(s) shall be subject to late fees as determined by the Department of Consumer Affairs.**
- D. Upon receipt of an application and fee as provided in subsections A and B of this section, the Director of Consumer Affairs shall cause to be conducted two scanner accuracy inspections of the store for which the application has been submitted. These inspections shall be conducted on two separate days and shall consist of a comparison of the shelf, sale and/or the advertised price of any stock keeping unit with the computer-assisted checkout system price. (In the event that any violations are detected, penalties shall be assessed as provided in Section 173-6, subsection F.) If, considering both inspections together, the number of stock keeping units found to be in violation does not exceed two percent of all stock keeping units inspected, the Director of Consumer Affairs shall grant the applicant a revocable waiver from item pricing requirements provided that the applicant has paid all outstanding penalties imposed in connection with this Local Law. Any store with a current waiver shall not be subject to the item pricing provisions set forth in Section 173-4.**

During the second calendar year of the biennial waiver period, the Director of Consumer Affairs shall cause to be conducted one scanner accuracy inspection of the store which was approved for an item pricing waiver during the preceding year. If the store fails this inspection, the Director of Consumer Affairs shall give the store at least one week to correct any problems before coming back for another inspection. If the store fails this second inspection, the store shall lose the waiver and must reapply for the waiver pursuant to subsections A and B of this section.

E. In the event that the inspections provided for in subsection D herein discover total violations in excess of two percent of all stock keeping units inspected, the Director of Consumer Affairs shall not grant a waiver to the applicant. Such a store may reapply for a waiver by submitting another application with the required fee within five (5) business days after being notified of the failure. Stores which do not reapply must be in compliance with all the requirements of §173-4 within sixty (60) days from the date of failure, and may be subject to additional penalties.

F. Any retail store that obtains a biennial waiver from item pricing shall be required to:

- (1) Display easy-to-read and properly located shelf tags or signs on every stock keeping unit or group of stock keeping units of the same brand, size, and price. Shelf tags shall contain all pricing information required by section 214-h of the New York State Agriculture and Markets law, as such law is amended from time to time.
- (2) Post a notice for the consumer, in a conspicuous location, that the item pricing waiver has been granted. The notice shall indicate consumer rights with respect to the accurate pricing of items and price discrepancies.
- (3) Designate and make available the number of price check scanners set forth in the following table to enable consumers to confirm the price of a stock keeping item:

RETAIL SQUARE FOOTAGE	NUMBER OF SCANNERS
Under 1,500 sq. ft.	No price check scanners required. However, an item(s) shall be scanned for the price, upon consumer request.
Between 1,501 and 3,000 sq. ft.	1
Between 3,001 and 10,000 sq. ft.	2
Between 10,001 and 30,000 sq. ft.	3
Between 30,001 and 90,000 sq. ft.	4
Over 90,001 sq. ft.	5

- (4) Assist county inspectors with store inspections. The retail store may make store personnel or hand-held price scanners available to a county inspector to assist with price accuracy inspections.

Inspections of retail stores may be unannounced, provided however, that the inspector shall notify the store upon arrival.

- (5) Item price certain stock keeping units that are too large or too heavy to be price scanned by the consumer in a reasonably simple manner. These stock keeping units shall include all items over six pounds of net weight.

A retail store failing to comply with any of the requirements of this subsection F, after the County Sealer of Weights and Measures and/or the Consumer Affairs Director and their departmental designees who shall act as administration and enforcement officers for this chapter and any regulations promulgated hereunder has made such determination, shall be subject to a penalty in the amount of five-hundred (\$500) dollars per violation.

- G. A biennial waiver shall be immediately revoked if a store falls below 98% accuracy on two consecutive pricing accuracy inspections. Failure to meet the scanning accuracy requirement or failure to pay the annual application fee shall subject the retail store to the item pricing requirements of this Local Law within ten days of the last inspection, and may subject it to additional penalties.
- H. In the event that the Director of Consumer Affairs, or his/her designee, is unable to conduct inspections pursuant to subsection D of this section within thirty (30) days of receipt of a completed written waiver application, the Director of Consumer Affairs shall grant a temporary waiver pending completion of the inspections. If, upon completion, the item pricing inspections detect a violation rate in excess of two percent, the temporary waiver shall be immediately revoked and the item pricing provisions of this Local Law shall become immediately applicable.

## Section 2.

This local law shall take effect immediately.

**BY ROLL CALL VOTE: SEVEN AYES. ONE NAY – LEGISLATOR LOBUE. CHAIRMAN OTHMER WAS ABSENT. MOTION CARRIES.**

Item #5r – Approval/Implementing Fee Schedule Pursuant to Section 173-8 of the Code of Putnam County was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Castellano and DiCarlo, Legislator Nacerino moved the following:

Legislator Nacerino stated that the Rules Committee worked very hard on this fee schedule. It is now a two year fee schedule which provides more relief to the store. There are only a few stores in the County that will be affected by the optional waiver of fees. This does not affect the small businesses.

**RESOLUTION#107**

**APPROVAL/IMPLEMENTING FEE SCHEDULE PURSUANT TO SECTION 173-8 OF THE CODE OF PUTNAM COUNTY.**

WHEREAS, per Local Law No. 10-1991, the Putnam County Legislature (hereinafter "Legislature") adopted the "Item Pricing" Code provisions as enumerated in Chapter 173 of the Code of Putnam County; and

WHEREAS, on November 13, 2012, the Legislature amended Chapter 173 of the Code of Putnam County by adopting a Section 173-8, entitled "Waiver of Item Pricing Requirements Based Upon Pricing Accuracy; Consumer Protections," which provided an annual, voluntary waiver to Putnam County's (hereinafter the "County") item pricing requirements at rates enumerated in Section 173-8's fee schedule; and

WHEREAS, retailers subject to the voluntary item pricing waiver raised concerns about the fee schedule enumerated in Section 173-8; and

WHEREAS, the Legislature, after considering and studying the retailers' concerns, decided to amend Section 173-8 of the Code of Putnam County by permitting retailers to obtain a biennial, as opposed to an annual, waiver from the requirements of the item pricing requirements by providing the appropriate application along with the applicable fee, as such shall be set by the Legislature via Resolution; and

WHEREAS, the Rules Committee has determined that the fee schedule in the attached form shall be applicable to the County's item pricing waiver law; now therefore be it

RESOLVED, that the Legislature, after due consideration, pursuant to Section 178-8(B) of the Putnam County Code, adopts the attached fee schedule for the item pricing waiver law in the form attached hereto; and be it further

RESOLVED, that the fee schedule for the item pricing waiver shall take effect contemporaneously with the amendment to Section 173-8 of the Code of Putnam County, and shall be reviewed and updated periodically by the Putnam County Legislature.

**BY ROLL CALL VOTE: SEVEN AYES. ONE NAY – LEGISLATOR LOBUE. CHAIRMAN OTHMER WAS ABSENT.**

**AUDIT & ADMINISTRATION COMMITTEE**  
(Chairman Castellano, Legislators Albano & Nacerino)

Item #5s – Approval/Budgetary Amendment (13A012)/Finance/Provide for the 2013 Bond Refunding was next. Deputy Chairman DiCarlo recognized Legislator Castellano, Chairman of the Audit & Administration Committee. On behalf of the members of the Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

**RESOLUTION #108**

**APPROVAL/BUDGETARY AMENDMENT/FINANCE/PROVIDE FOR THE 2013 BOND REFUNDING**

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (13A012) to provide for the 2013 Bond Refunding which took place on 3/21/13; and

WHEREAS, the Audit & Administration Committee has reviewed and approves said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

<b>Increase Estimated Appropriations:</b>		
V9710000 54646	Contracts	145,747.45
V9710000 59991	Transfer to Refunding Escrow	21,191,321.70
V9710000 56144	Public Ref Bonds – 2013	105,000.00
V9710000 57144	Public Ref Bonds – 2013	<u>223,441.98</u>
		21,665,511.13

<b>Decrease Estimated Appropriations:</b>		
V9710000 57133	Public Imp Bonds – 2005	88,444.20
V9710000 57134	Public Imp Bonds – 2006	323,389.75
V9710000 57143	Public Imp Bonds – 2012	<u>69,155.00</u>
		480,988.95

<b>Increase Estimated Revenues:</b>		
V9710000 427101	Refunding Premium	1,372,069.15
V9710000 457911	Advance Refunding Bonds	<u>19,965,000.00</u>
		21,337,069.15

<b>Decrease Estimated Revenues:</b>		
V9710000 424012	Courthouse Interest	38,715.00
V9710000 427111	Use of Debt Service Reserve	<u>113,831.97</u>
		152,546.97

2013 Fiscal Impact – 0 –  
2014 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. CHAIRMAN OTHMER WAS ABSENT. MOTION CARRIES.**

**Item #5t – Approval/Budgetary Amendment (13A015)/Department of Social Services/Amend DSS Budget In Accordance with State Approved Child Advocacy Center (CAC) Grants – Tier 1 and Child Fatality Review Team was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:**

**RESOLUTION #109**

**APPROVAL/BUDGETARY AMENDMENT/DEPARTMENT OF SOCIAL SERVICES/AMEND DSS BUDGET IN ACCORDANCE WITH STATE APPROVED CHILD ADVOCACY CENTER (CAC) GRANTS – TIER 1 AND CHILD FATALITY REVIEW TEAM**

**WHEREAS, the Department of Social Services has requested a budgetary amendment (13A015) to amend the DSS Budget in accordance with State approved Child Advocacy Center (CAC) Grants – Tier 1 C026593 and Child Fatality Review Team (CFRT) C026540; and**

**WHEREAS, the Audit & Administration Committee has reviewed and approves said budgetary amendment; now therefore be it**

**RESOLVED, that the following budgetary amendment be made:**

**Increase Appropriations:**

<b>22072000</b>		<b>Child Fatality Review Team</b>	
	51000	Personal Services	\$ 2,955
	54310	Office Supplies	500
	54311	Printing and Forms	2,100
	54410	Supplies/Materials	3,060
	54634	Telephone	993
	54640	Education/Training	3,625
	54314	Postage	143
	58001	Retirement	356
	58002	Social Security	226
	58003	Disability	9
	58004	Workmen's Comp	9
	58006	Dental	53
	58007	Life	22
	58008	Health	762
	58011	Flex Plan	87
			<u>87</u>
			<b>\$14,900</b>

**Decrease Appropriations:**

<b>22070000</b>		<b>Child Advocacy Center</b>	
	51000	Personal Services	\$ 967
	58001	Retirement	107
	58002	Social Security	74
	58003	Disability	2
	58004	Workmen's Comp	7
	58006	Dental	53
	58007	Life	22
	58008	Health	762
	58011	Flex Plan	87
			<u>87</u>
			<b>\$ 2,081</b>

**Increase Estimated Revenues:**

**22072000 436233**      **Child Fatality Review – Child Advocacy**      **\$12,819**

**2013 Fiscal Impact – 0 –**

**2014 Fiscal Impact – 0 –**

**BY POLL VOTE: ALL AYES. CHAIRMAN OTHMER WAS ABSENT. MOTION CARRIES.**

**Item #5u – Approval/Budgetary Amendment (13A016)/Bureau of Emergency Services/ Homeland Security Grant was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:**

**RESOLUTION #110**

**APPROVAL/BUDGETARY AMENDMENT/BUREAU OF EMERGENCY SERVICES/ HOMELAND SECURITY GRANT**

**WHEREAS, the Bureau of Emergency Services has requested a budgetary amendment (13A016) for 2012 Homeland Security Grant awarded in the amount of \$153,750.00; and**

WHEREAS, the grant period runs from September 1, 2012 through August 31, 2014; and

WHEREAS, the Audit & Administration Committee has reviewed and approves said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

**Increase Revenues:**

10398901 440891 10103	FY12 Homeland Security – SH12-1035-D00	153,750
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**Increase Appropriations:**

10398901 51094 10103	FY12 Homeland Security Personnel	7,100
10398901 58002 10103	FY12 Homeland Security Fringe	588
10398901 52680 10103	FY12 Homeland Sec. Spec Tech >\$5,000	70,000
10398901 54646 10103	FY12 Homeland Sec. Contracts	70,000
10398901 54510 10103	FY12 Homeland Sec. Mach. Maint.	<u>6,062</u>
		153,750

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. CHAIRMAN OTHMER WAS ABSENT. MOTION CARRIES.**

Item #5v – Approval/Fund Transfer (13T056)/Department of Social Services/Reclassify Temporary Position to Senior Public Health Nurse Pursuant to Resolution #58 of 2013 was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

**RESOLUTION #111**

**APPROVAL/FUND TRANSFER /DEPARTMENT OF SOCIAL SERVICES/RECLASSIFY TEMPORARY POSITION TO SENIOR PUBLIC HEALTH NURSE PURSUANT TO RESOLUTION #58 OF 2013**

WHEREAS, the Department of Social Services has requested a fund transfer (13T056) to reclassify temporary position (a salaried position) as Senior Public Health Nurse effective 5/01/13 pursuant to Resolution #58 of 2013; and

WHEREAS, the Audit & Administration Committee has reviewed and approves said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

**Decrease:**

10105000 51094	Temporary	\$35,219.00
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**Increase:**

10105000 51000	Personal Services	\$35,219.00
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2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. CHAIRMAN OTHMER WAS ABSENT. MOTION CARRIES.**

Item #5w – Approval/Fund Transfer (13T057)/Finance/Temporary/Cover Vacant Position/Assist in Tax Rolls was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

**RESOLUTION #112**

**APPROVAL/FUND TRANSFER /FINANCE/TEMPORARY/COVER VACANT POSITION/ ASSIST IN TAX ROLLS**

WHEREAS, the Commissioner of Finance has requested a fund transfer (13T057) to cover vacant position and allow temporary person to be hired to assist in the tax roll; and

WHEREAS, the Audit & Administration Committee has reviewed and approves said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:		
10135500 51000 (10103)	Personnel (Real Property)	\$20,000

Increase:		
10135500 51094	Temporary	\$20,000

2013 Fiscal Impact – 0 –  
2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CHAIRMAN OTHMER WAS ABSENT. MOTION CARRIES.

Item #5x – Approval/Fund Transfer (13T062)/Sheriff’s Department/Road Patrol was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

**RESOLUTION #113**

**APPROVAL/FUND TRANSFER/SHERIFF’S DEPARTMENT/ROAD PATROL**

WHEREAS, the Sheriff’s Department has requested a fund transfer (13T062) to cover transfer of personnel due to retirement; and

WHEREAS, the Audit & Administration Committee has reviewed and approves said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:		
10311000 51000 (10109)	Personnel (Sheriff Admin)	9,600.00
10311000 58002	FICA	<u>734.40</u>
		10,334.40

Increase:		
17311000 51000 (17121)	Personnel Line (Road Patrol)	9,600.00
17311000 58002	FICA	<u>734.40</u>

10,334.40

2013 Fiscal Impact – 0 –  
2014 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. CHAIRMAN OTHMER WAS ABSENT. MOTION CARRIES.**

**Item #5y – Approval/Memorialization NYSAC Resolution Calling on the Governor, State Legislature and the New York Congressional Delegation to Support Federal Legislation that Authorizes States to Require the Collection of Sales and Use Taxes on Sales of Taxable Products and Services into their Jurisdictions by Remote Sellers was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:**

**Legislator Castellano stated that this affects larger out of NYS companies that sell more than \$1 million dollars on the internet when they do not have a Brick & Mortar establishment in New York State. We are looking for Federal Legislation that would require these companies to collect sales tax. What some people are not aware of is that when you purchase items over the internet and the company has not collected NYS sales tax, you are supposed to report those purchases when you file your taxes.**

**Legislator Oliverio stated that these internet companies charge shipping and handling fees. His concern was that if you add sales tax on top of that you may be crippling these companies. When you go to the store you pay sales tax but you don't pay shipping charges. Some local stores do not have the same inventory as on the internet. He was torn by this.**

**Legislator Castellano stated that currently the obligation is on the consumer to pay the sales tax when they file their taxes. Whether you pay it up front or pay it later, you are still supposed to pay the sales tax.**

**Legislator Albano stated that he supports this resolution. He believed, if possible, shop locally.**

**Legislator Gross stated that there are five States that have no sales tax. He believed they would have a problem going along with this to collect the revenue for other States.**

**RESOLUTION #114**

**APPROVAL/MEMORIALIZATION NYSAC RESOLUTION CALLING ON THE GOVERNOR, STATE LEGISLATURE AND THE NEW YORK CONGRESSIONAL DELEGATION TO SUPPORT FEDERAL LEGISLATION THAT AUTHORIZES STATES TO REQUIRE THE COLLECTION OF SALES AND USE TAXES ON SALES OF TAXABLE PRODUCTS AND SERVICES INTO THEIR JURISDICTIONS BY REMOTE SELLERS**

**WHEREAS, the ongoing expansion and maturity of Internet-bases retailing, or E-commerce, continues to outpace the annual growth in regular “brick and mortar” retail sales; and**

**WHEREAS, E-Commerce has grown from about 1.5% of total U.S. retail sales to over 7% of total U.S. retail sales in just the last decade; and**

**WHEREAS, projections over the next several years indicate that E-Commerce will continue to experience annual growth rates up to four times greater than brick and mortar sales; and**

**WHEREAS, total E-Commerce sales are expected to reach \$250 billion in 2014; and**

**WHEREAS, a large number of Internet-based retailers do not collect sales taxes on the sale of their goods or services; and**

**WHEREAS, the growing migration of retail sales to the Internet, and mobile electronics, is creating an unfair competitive marketplace for many local brick and mortar retailers; and**

**WHEREAS, the State Streamlined Sales Tax Governing Board estimates that up to \$23 billion annually in sales taxes are not being collected nationally under the current system, severely impeding state and local government's revenue collections necessary to provide and fund critical public services; and**

**WHEREAS, Congress and the President have indicated their desire to improve the federal tax code by making it simpler and more fair, while removing obstacles that hinder economic growth and the efficient use of capital, along with modernizing the code to reflect the needs of our nation and economy in the decades to come; now therefore be it**

**RESOLVED, that Putnam County supports the New York State Association of Counties' (NYSAC) call on the Governor and New York State Legislature to strongly urge the New York Congressional Delegation to support legislation that authorizes states to require the collection of sales and use taxes on sales of taxable products and services into their jurisdictions by remote sellers, including hotel/motel room remarketers, as part of their federal tax code modernization efforts; and be it further**

**RESOLVED, that federal efforts to modernize the collection of sales tax across jurisdictions and modes of commerce include provisions that allow state flexibility in satisfying the streamlining and simplification of state and local sales tax models necessary to ease the burden for retailers to collect sales and use taxes on products and services sold over the Internet; and be it further**

**RESOLVED, that these federal efforts to modernize state sales tax collections should not dictate rates or mandate the imposition or elimination of sales taxes, and should not be combined with federal efforts to limit or restrict state taxing authority in other areas as our federal system depends on states retaining the responsibility and authority to manage their taxing policies to meet fiscal requirements; and be it further**

**RESOLVED, that copies of this resolution be forwarded to Governor Andrew Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Leader and Speaker of the Assembly.**

**BY POLL VOTE: ALL AYES. CHAIRMAN OTHMER WAS ABSENT. MOTION CARRIES.**

**Item #6 – Other Business**

**Item #6a – Moved up on agenda. Was discussed after Item #5n.**

**Item #6b – Approval/NYSEG Utility Easement and Right of Way/Donald B. Smith Campus was next. Deputy Chairman DiCarlo moved the following; seconded by Legislator Oliverio. All in favor.**

**Deputy Chairman DiCarlo stated that the reason for this request was due to the fact that this weekend is the annual Children's Expo and Public Safety Day and there is a request for a live demonstration. The easement will allow NYSEG to install a utility pole on the Donald B. Smith Campus.**

**RESOLUTION #115**

**APPROVAL/NYSEG UTILITY EASEMENT AND RIGHT OF WAY/DONALD B. SMITH  
CAMPUS**

WHEREAS, the County is the record owner of a certain parcel of property in the Town of Carmel, which is designated and described as 100-112 Old Route 6, Carmel, New York 10512 (Town of Carmel Tax Map No. 55.15-1-21); and

WHEREAS, an utility easement and right of way over portion of said property was previously granted to New York State Electric and Gas Corporation, which was recorded in the Office of the Putnam County Clerk on November 7, 1966, in Liber 638 at Page 488; and

WHEREAS, said utility easement and right of way provides New York State Electric and Gas Corporation the right to maintain utility poles and appurtenance in order to provide utility services to said property; and

WHEREAS, the County and New York State Electric and Gas Corporation wish to extend said utility easement and right of way by a distance of approximately 100 feet in order to permit the installation of an additional utility pole and extend the existing electric service at the property; and

WHEREAS, the Putnam County Department of Highways and Facilities engineers have reviewed the proposed Easement (a copy of which is attached hereto and made a part hereof as Exhibit "A"), and have determined same to be acceptable; and

WHEREAS, the Putnam County Attorney has reviewed and approved the proposed Easement as to form; now therefore be it

RESOLVED, that Putnam County Legislature hereby approves and authorizes the subject Easement in the form attached hereto and made a part hereof as Exhibit "A"; and be it further

RESOLVED, that the Putnam County Executive is authorized to execute said Easement Agreement on behalf of the County, which shall thereafter be recorded in the Putnam County Clerk's Office, Division of Land Records.

**BY POLL VOTE: ALL AYES. CHAIRMAN OTHMER WAS ABSENT. MOTION CARRIES.**

**Item #7 – Recognition of Public**

Mr. Jerry Ravnitsky, resident of Mahopac, stated that as a former school psychiatrist he understood the devastating effect that it has on children not getting help early in their development. If we are able to provide the help and get them back on track they have a chance of having a really successful life.

Mr. Ravnitsky continued and addressed the resolution in support of requiring sales tax being collected on internet purchases. He stated that many small businesses sell merchandise on the internet. If this resolution goes into effect, small businesses would be required to file sales tax forms in fifty different States. He stated that the forms are very complicated and it would take several hours for each form. He believed record keeping would be virtually impossible. He believed that putting this burden on small business would be a tremendous hardship.

Ms. Susan Limongello, Executive Director of PARC, thanked the Legislature and the County Executive for their deep understanding on the need for the pre-school and the children we serve. She stated that she would do the best she can to get the funding to

where it should be, to help with transportation costs and whatever else is necessary to make sure this pre-school is successful on its own.

Director of Veterans Affairs, Karl Rohde, referenced the resolution approve pertaining to EMT training. He stated that there are other problems with the licensing structure in New York State. The training military members receive during their service is not recognized in NYS when applying for such items such as; an EMT license or CDL license. They need to start from scratch. Veterans Affairs is working on legislation with Assemblyman Katz to try and get the State to recognize their military training when applying for civilian jobs.

Ms. Ann Fanizzi stated that the Legislature and County Executive proved tonight that our children are the most important. She thanked them for their support.

#### **Item #8 – Recognition of Legislators**

Legislator Scuccimarra stated that May 18, 2013 is Putnam County's Household Hazardous Waste Day at Fahnestock Park between 9:00 am – 1:00 pm.

Legislator Oliverio wished his Mom and all the Mom's out there a "Happy Mother's Day".

Legislator Nacerino stated that Tilly Foster Farm's annual Spring celebration this past weekend was a big success and very well attended. She stated that on Sunday she attended the Veterans Loyalty Day with several of her colleagues. It was a wonderful event to honor our Veterans.

Legislator Gross stated that May 27, 2013 is Memorial Day and he asked people to pause on that day to remember those service members who did not come home.

Legislator LoBue stated that last Saturday, Putnam County Hospital held a "Medication Take Back Day" which she attended. She stated that it was a great success. She gave "kudos" to the Health Department. They collected 1,000 pounds of medication.

Legislator Albano stated that he would like to close the meeting in memory of Captain Thomas Sullivan and his family. Tom was Captain at the Larchmont Police Department. He was a wonderful family man, first responder and a hero. He stated that today marks the one year anniversary of the family's horrific fire tragedy. He asked that Thomas Sullivan and his family be kept in everyone's prayers.

At this time a child from the PARC Pre-school Program presented County Executive Odell with flowers.

There being no further business; at 8:09 P.M. , Deputy Chairman DiCarlo made a motion to adjourn; seconded by Legislator Oliverio. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.

